

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL NOTE**

HB 286 - SB 368

February 12, 2019

SUMMARY OF BILL: Removes the statute of limitation for prosecution of certain Class A and Class B felony sex offenses committed against a child on or after July 1, 2019.

ESTIMATED FISCAL IMPACT:

On February 11, 2019, a fiscal note was issued for this bill estimating a fiscal impact as follows:

*Increase State Expenditures – \$344,100 Incarceration**

Based on additional information provided to the Fiscal Review Committee, the estimated fiscal impact has been corrected as follows:

(CORRECTED)

NOT SIGNIFICANT

Corrected Assumptions:

- Under current law, pursuant to Tenn. Code Ann. § 40-2-101(l), a person may be prosecuted, tried, and punished for aggravated rape, rape, rape of a child, or aggravated rape of a child at any time if the offense occurred on or after July 1, 2014 and the victim notifies law enforcement or the office of the district attorney general within three years of the offense. If the offense is not reported within three years, then pursuant to Tenn. Code Ann. § 40-2-101(b), the person must be prosecuted, tried, and punished within 15 years of the occurrence of such a crime.
- Under current law, Tenn. Code Ann. § 40-2-101(h)(2), a person may be prosecuted, tried and punished for aggravated rape, rape, or rape of a child not later than 25 years from the date the child turns 18 years of age, if the offense occurred between June 20, 2006 and June 30, 2014.
- Under current law, pursuant to Tenn. Code Ann. § 40-2-101(i)(2), a person may be prosecuted, tried and punished for aggravated rape of a child not later than 25 years from the date the child turns 18 years of age, if the offense occurred between July 1, 2007 and June 30, 2014.
- The proposed legislation removes the statute of limitation on such crimes and allows a person to be prosecuted at any time for such a crime occurring on or after the specified

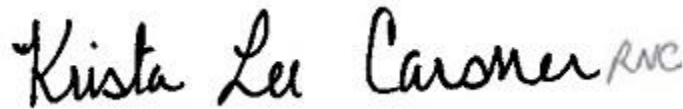
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date, if the victim notifies proper authorities within three years of the offense. In instances where a child victim did not notify authorities within the specified time frame for specified crimes occurring between 2006 and prior to July 1, 2019, a person may be prosecuted, tried and punished for aggravated rape of a of a child not later than 25 years from the date the child turns 18 years of age.

- In instances where an adult victim does not contact the appropriate authorities within three years of the offense, current law will control.
- The proposed legislation authorizes a person to be prosecuted, tried, and punished at any time after the commission of aggravated rape, rape, rape of a child, aggravated rape of a child, trafficking for a commercial sex act, aggravated sexual battery, sexual exploitation of a minor, aggravated sexual exploitation of a minor, especially aggravated sexual exploitation of a minor, statutory rape by an authority figure, or soliciting sexual exploitation of a minor by electronic means if the offense was: (1) committed on or after July 1, 2019; (2) classified as either a Class A or Class B felony; and (3) committed against a child less than 18 years of age.
- The repeal of the statute of limitations for these crimes may lead to additional incarceration costs; however the number of such additional convictions as a result of this legislation is estimated to be not significant, and thus, the fiscal impact from repealing the statute of limitation for such crimes is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner" followed by a small, stylized monogram or initials.

Krista Lee Carsner, Executive Director

/amj